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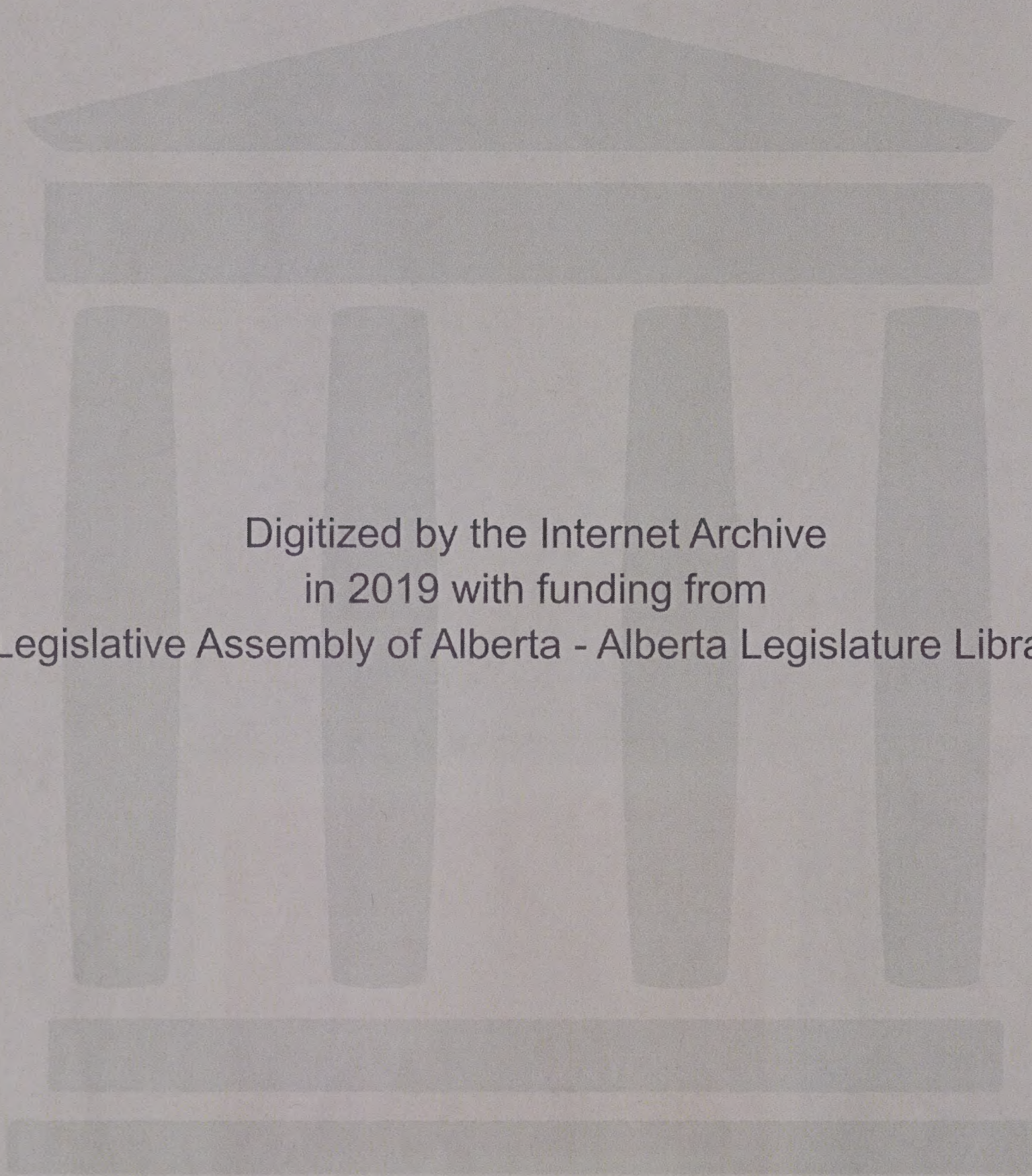
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Report of the Lethbridge Gaol Enquiry. 1



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ALBERTA. LETHBRIDGE GAOL ENQUIRY
REPORT

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(1925)

R E P O R T of JUDGE WALSH.

on the

LETHBRIDGE GAOL ENQUIRY.

LP # 29

To His Honour,

The Lieutenant-Governor in Council;

By Commission bearing date the 27th of February, 1925, under the Great Seal of the Province of Alberta I was appointed a Commissioner to inquire into and concerning the circumstances attending the reception at the Provincial Gaol at Lethbridge of one Edward Moore, a prisoner in custody therein, and his death in the said Gaol on the 12th day of February 1925, the attendance and treatment given him and the reports made by any official of the said Gaol referring to him, as well as into and concerning the rules and regulations and the practices of the officials of the said Gaol with regard to the attention to and treatment of prisoners reported or believed to be in need of medical attention.

Having accepted the burthen of this enquiry I appointed Mr. A. B. Hogg, Barrister-at-law, of Lethbridge, as Counsel to conduct the same. On Tuesday the 3rd. day of March 1925 after due public notice I opened the enquiry at the Court House in the City of Lethbridge and on that day and the 10th, 11th, 12th and 13th days of the same month evidence upon oath was publicly given before me by every person known to Counsel for the Commission to have any information respecting the subject matter of it or whose evidence was either volunteered or desired by anyone interested in the investigation. 33

witnesses in all were examined, of whom 16 were prisoners in the Gaol, 13 were Gaol officials and 4 were outsiders. In

addition to Mr. Hogg the following Counsel appeared throughout the investigation and took an active part in it in the interests of their various clients:

L. M. Johnstone, K.C.	for Warden Wriggs.
H. Ostlund, K.C.	for Deputy Warden Christensen.
C. E. Cameron,	for Chief Guard Stewart,
E. C. McKenzie,	for Doctor Wray, the Gaol Surgeon.
W. S. Beattie,	for Night Guard Woolley.

Mr. Hogg was aided in his conduct of the Enquiry by Mr. A. G. Virtue, who represented the Great War Veterans Association of which the deceased prisoner Moore was a member, that Association having, in the absence of his relatives voluntarily assumed the task of representing them. Mr. J.J. Frawley, of the Attorney-General's Department, appeared on behalf of the Honourable, the Minister of Public Works, in whose Department the administration of the Provincial Gaol System is.

I have the honour to report, as instructed by my commission, the result of my investigations, together with the evidence taken before me, a transcript of which accompanies this report. I also forward the following exhibits that were put in before me.

Ex. 1 - Rules and Regulations for the Government of Gaols prescribed by Order-in-Council of the 11th November 1924.

6 - "Rules & Advice" formulated by the Gaol Officials in March 1915 and revised in January 1921, which were the only rules in force until the promulgation

of Exhibit 1 and which still govern in all matters not covered by Exhibit 1.

Ex. 8 - Correspondence re Moore and Memo from the Deputy Attorney General re sick prisoners dated March 31st. 1924.

9 - Statement showing expenditures on drug, hospital and surgeons' account for 1923 and 1924.

12 - Copy of entries made by the Gaol Surgeon in his journal of his attendance upon, treatment of and recommendations with respect to the various sick prisoners named in it.

13 - Questions submitted by me to the Gaol Surgeon since the close of the Enquiry and his answers thereto.

The other Exhibits filed consisted of books of the Institution and files of correspondence relating to the cases of several sick prisoners which I did not care to remove from the Institution but which are at all times available for inspection there.

re Edward Moore.

This man was received at the Gaol on the 23rd. day of January 1925 on a warrant ^{of} commitment following his conviction by Police Magistrate Davidson at Calgary, of having been found drunk in a public place for which offence he was sentenced to imprisonment for 30 days in this Gaol. Upon his arrival at the Gaol he was, owing to its crowded condition, obliged to share

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a cell with another prisoner for three nights. He was then removed to a cell of which he was the only occupant and he remained there until near midnight of Saturday the 31st. of January. He, at that time, became noisy and by his loud talk and otherwise disturbed the rest of the other prisoners within hearing of him. Because of this the Night Guards took him from his cell and placed him in a dark cell. This action on their part was, I think, quite justified by the practice prevailing in the Gaol in that respect, as well as by the circumstances which called it forth. It had the desired effect of restoring peace and quiet in the cell house and no harm resulted from his incarceration in the dark cell for the rest of that night. It is his subsequent detention and treatment in it that calls for comment. He was kept in it until sometime in the afternoon of Saturday the 7th of February, almost seven full days, when he was removed from it and placed again in one of the ordinary cells and in that cell he died on the following Thursday, the 12th of February.

There was, in my opinion, absolutely no excuse for Moore's detention in the dark cell for anything like the length of time that he was kept in it. The only justification of it attempted by any of the Gaol Officials is that put forward by the Chief Guard, R. A. Stewart, namely, that he could not be removed from it and placed with the other prisoners because of the noise that he was making. This evidence is in direct contradiction to that of practically of all of the other witnesses who spoke on the point. I find that shortly after he was placed

in the dark cell his conduct lost its boisterous character and that for some days preceding his removal from it there was no conduct of his which warranted his continued incarceration in it. Even Stewart admits that he could have been released from it before he was. // The dark hole, as it is called, is self-contained and consists of three cells between which and the ordinary cells is a communicating wooden door which is usually closed. Except for this door it is walled off completely from the ordinary cells. It is, as it was described by Counsel, really a Gaol within a Gaol. The first or outer one of the cells has a small window which admits enough natural light to partially relieve ^{its otherwise} absolute darkness. Moore was in the second or middle cell and it is absolutely dark. It was suggested by one witness that ~~sun~~ daylight filtered into it through a small opening for ventilating purposes. My opinion of it, not only from the description of it given by the other witnesses ^{but} ~~by~~ from my own observation, is that with the communicating door between it and the cell-house closed, as it is almost continuously, there is no natural light whatever in it, even at noon of a cloudless day. An electric light controlled from the outside is in the corridor of this cell. Except when it is turned on it is impossible to see anything in the cell. The evidence is conflicting as to whether or not this light was continuously on during Moore's stay in this cell. My own impression is that it was not but that as a rule it was simply turned on as occasion required for his service and turned off when that service was performed. There is no direct heat

in it. It is warmed only from the radiator in the adjoining cell and in very cold weather it can only be made comfortable by stuffing a blanket in the ventilating shaft which results in the absolute exclusion of fresh air from it. There is no bed in it. A mattress spread on the concrete floor affords the only resting place for its occupant. It is quite bare of furniture. There is no sanitary convenience in it. The evacuations of its occupant must be made in a slop pail. This is in contrast to the ordinary cells, each of which boasts a modern toilet flushed by water. These cells are designed for the punishment of refractory prisoners and for that purpose they are absolutely essential. In the complete absence of any hospital or infirmary facilities, and of any other isolated area in which prisoners who are noisy not from insubordination but because of some mental infirmity can be placed, I can appreciate the necessity of it for other than punishment purposes. But to keep confined in this dungeon, which is about 4 feet by 10 feet for a week a decrepid and debilitated man who from sheer weakness had to lie down the greater part of the time either upon the hard concrete floor of the cell or the uncomfortable mattress resting on the floor with its uninviting bedding seems to me the refinement of cruelty. The maximum term of imprisonment in it ever imposed by the Warden as a punishment for even a strong able-bodied man is three days. This broken down man, whose only offence was his unruly conduct at the commencement of his incarceration in it, conduct which was not designed on his part

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but simply the outcome of his condition was after he had ceased to offend in this respect detained in it for a longer time than this maximum period of three days. In addition to the discomforts incident to imprisonment in it under the most favourable conditions, such as its darkness, its bad air, its liability to become uncomfortably cold, its lack of toilet facilities, the entire absence of everything approaching the comfort a sick man should have, its depressing solitude and isolation, his condition was made more distressing by neglect. I think that the prisoner witnesses exaggerated considerably the conditions which existed in this cell during his occupancy of it. I am satisfied, however, that filthy conditions prevailed in it to an inexcusable degree particularly in the length of time that his evacuations were permitted to remain in the slop pail and thus still further pollute the already noxious atmosphere of the place. When he was removed from it his bedding and clothing were lousy.

The Chief Guard is the official having immediate supervision over the prisoners. He assigns to them their locations in the prison. The Warden, or in his absence, the Deputy alone imposes imprisonment in the dark cell as a punishment and that imprisonment is for a given period not exceeding three days at the expiration of which the responsibility for the removal of the prisoner from it is upon the Chief Guard. The Night Guards act upon general authority from the Deputy Warden in placing in the dark cell a prisoner under such circumstances as those which led to Moore's incarceration in it and the Chief Guard sees to their removal. R. A. Stewart, who filled the office of Chief Guard at that time was not on duty when Moore was placed in it

or the following day which was Sunday. He knew of it on Monday and entered the fact in his work book and he knew every day of that week that he was still in it for he visited him two or three times on each of these days and it was upon his instructions that he was removed from it on the Saturday of that week, though no entry of his removal was made in the work book. The Warden and Deputy Warden knew that he was in a dark cell only by information given to them by others. Every evening between five and six they made a tour of the cellhouse principally for the purpose of counting the prisoners and thus making sure that none had escaped. The Guard accompanying them accounted for Moore each night of his occupancy of the dark cell by telling them that he was in it. The Warden was in Edmonton on Sunday night, which was the first night on which the round was made after Moore was put in it. He got home on Monday morning but ~~it~~ is not sure whether he made the round that night or not. He made it, however, on Tuesday and so at the latest he then knew that Moore was in it. He was away on Wednesday and so did not make the round on that day but he did on Thursday and Friday on each of which days he was told that Moore still occupied a dark cell. He was, therefore, aware of that fact from Tuesday night, at least, until Saturday when Moore was removed from it. The Deputy Warden was informed of the fact that Moore was in this dark cell early on Sunday morning and this information was repeated to him on Sunday night and every subsequent night during Moore's stay in it. Neither of these officers visited Moore in this cell or made any enquiry as to the cause of his long detention in it or as to his condition. They seem to have

assumed that the Chief Guard was keeping him there for some good and sufficient reason and let it go at that. The Doctor did not know that he was in that cell until after he was removed from it and he condemns its use for sick prisoners as being detrimental to their health. He says that in his opinion Moore's confinement in it affected his physical condition and had something to do with his increasing weakness through that week. Moore, who was about 46 years old was a man of very dissipated habits. He was released from this Gaol in December last after serving a 30 day term for drunkenness. On his return to it on the 23rd. of January of this year he was in an exceedingly weak and nervous condition, doubtless because of his alcoholic excesses following his release from his former imprisonment. Some question was raised as to his sanity. His mental condition was undoubtedly below normal but I am sure he was not insane. He first saw the Gaol surgeon on the afternoon of the 31st. of January and ^a few hours before his removal to the dark cell, though the Doctor had since Moore's arrival been twice before at the Gaol, namely on the 24th and 27th of January. The Doctor then found him debilitated and with defective hearing and questioned his mental condition. On the 3rd. of February he was taken from the dark cell to the dispensary where the doctor again saw and prescribed for him. Nothing seriously wrong with him was then suspected. On the 7th of February he was taken from the dark cell, given a bath and a change of underwear and again paraded before the Doctor. This time he had an inflamed ulcer on the left hip which the Doctor dressed and which he says may have been caused by

a fall out of his bed before he went to the dark cell or from lying as he frequently did on the cement floor of the dark cell. He also had a red spot on his face to which the Doctor did not then attach much importance though he is now inclined to the opinion that it was a premonitory symptom of the erysipelas which later developed. For this, he, on the 7th of February prescribed an ointment. On the 9th of February the Doctor wrote to the Warden respecting him, stating that he was in a debilitated condition and not able to look after himself and recommending that if he had no friends he should be sent to the institution for men at Macleod. The Doctor explains that this recommendation was not intended for immediate action but for the expiration of his sentence on the 20th of February. This letter was the same day forwarded by the Warden to the Deputy Minister of Public Works with a covering letter but Moore died before it could be acted upon.

Erysipelas developed in Moore on the night of the 8th of February according to the Warden's above mentioned covering letter to the Deputy Minister of the 9th of February. The Chief Guard who was off duty on the 8th realized when he saw Moore on the morning of the 9th that he was suffering from erysipelas. The Doctor was not informed of this until he came to the Gaol for his usual visit on the afternoon of Tuesday the 10th of February when he prescribed for him the recognized treatment for this disease. Another prisoner had been placed with Moore in his cell to take care of him and

to him the Doctor gave the necessary directions, for his proper care. The Doctor did not again see Moore alive, the end having come suddenly and unexpectedly on the 12th of February. He was summoned on the morning of the 12th when Moore's condition was observed and he responded at once but death came before the Doctor got there.

The Doctor, after his last visit to Moore on the 10th ~~th~~ of February made an entry in his journal which, after describing the disease and its treatment proceeds as follows "As Moore was in a debilitated condition before getting erysipelas the outcome is uncertain and I would advise his removal to hospital". This recommendation, however, did not in Moore's life get beyond the entry of it in the doctor's journal. He did not communicate it in any other way to any of the gaol officials. The Chief Guard saw it that same night but did not communicate it to either of his superior officers though he says that he realized from it that Moore was in a critical condition and apt to die. He does not remember having given any special orders regarding Moore ~~and~~ or having made any new plans for his care. Neither the Warden nor the Deputy Warden saw the doctor's entry until after Moore's death, nor did either of them know until then of the Doctor's opinion that Moore's case was one of hospital treatment. Though they both knew that he was suffering from erysipelas and saw him in his cell as they passed it on their nightly round neither of them enquired either from the Doctor or the Chief Guard as to the seriousness of the attack or what the Doctor's views were as to the proper

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treatment of it. The Doctor assumed that the Chief Guard would see his entry and report it to the Warden. The Chief Guard assumed that the Doctor would communicate his opinion directly to the Warden. The Warden assumed that anything requiring his attention would be brought directly to his notice by the Doctor or the Chief Guard. The Deputy Warden assumed that the responsibility was on the other three or some one or two of them. In the maze of these assumptions the recommendation was lost.

The Doctor is of the opinion from what he now knows of Moore's condition that even if he had been sent to the hospital on the Tuesday night he would not have lived though he does say that he would have had a better chance if he had been removed. I am inclined to agree with him in this. While I do not think it fair, therefore, to charge Moore's death to the failure of the responsible official or officials to get him to the hospital so soon as his grave condition was disclosed by the Doctor's entry in the journal was known it certainly is a serious matter that such a statement as to the condition and such a recommendation as to the treatment of so sick a prisoner should not have reached the eye or the ear of the proper officer in the life-time of that prisoner and it is a very forcible illustration of the utter lack of method then prevailing in such matters in this gaol to which more extended reference will later be made.

No post mortem examination of Moore's body was made. The only evidence given before me as to the

cause of death was the reading of an extract from the Doctor's evidence at the inquest in which he is reported to have said that erysipelas was the immediate and general debility the remote cause. I have since asked and procured from him a written statement as supplementary to this, he being still under oath, in which he says that the "main cause of death was Moore's debilitated condition, the erysipelas being a contributing cause". // Except in his incarceration and neglect in the dark cell the delay in taking him to the Doctor on his arrival and the failure to call in the Doctor so soon as erysipelas developed and the falling down of some official or officials in connection with the Doctor's recommendation of his removal to the hospital I do not find anything to criticize in Moore's treatment from his reception in the gaol on the 23rd of January until his death in it on the 12th of February. Both before he was placed in and after his removal from the dark cell I think he received such proper treatment as its crowded condition and its absolute lack of facilities for the care of the sick made possible. He was at all times, even when in the dark cell, offered all of the standard gaol diet, the sufficiency of which I will deal with later, but because of the condition of his stomach brought about by his excesses he had no appetite and so he refused practically everything in the shape of food. The Chief Guard failed to give him some pills prescribed by the Doctor and delivered to him for Moore's use but I am satisfied that he gave him other pills of the same kind in their place.

Though the official rules place considerable responsibility for the prisoners whether when in or outside of the prison upon the Deputy Warden he alleges that by agreement with the Warden he assumed entire charge of them while outside the gaol in return for which the Warden relieved him from responsibility for them while in the gaol. The Warden denies this and it is impossible for me to say where the truth is as between them in this matter. The admitted fact is, however, that the Deputy Warden has the supervision of the large gangs of prisoners who are daily employed in work on the gaol farm and elsewhere outside of the walls of the prison.

As to the rules and regulations and the practices of the gaol officials with regard to the attention to and treatment of prisoners reported or believed to be in need of medical attention,

Up to the time of Moore's death there was a lamentable lack of system in dealing with prisoners who either were or claimed to be in need of medical attention. Some improvement has since been made but my report will be of the conditions as they then were with a reference to the changes which have since been made.

The first intimation of an ordinary illness comes at the roll call early in the morning of every day when the guard hands to the deputy warden a list of those who are sick. So far as the deputy is concerned that is done simply to account for the absentees. Those who answer the roll-call and those named on the sick list make together the full complement of prisoners within the gaol. The former are mustered off to their work by the deputy and the list of the sick is handed by him to the Chief Guard.

As a matter of practice apart altogether from the rules the duty and responsibility of the deputy with respect to the sick seem to end there unless and until his attention is thereafter especially directed to some particular case. ^{No} ~~The~~ duty or responsibility seems to rest upon the warden in this connection apart from that imposed by the rules until his notice is called to some sick prisoner whose case requires more than the usual treatment. The direct responsibility for these cases insofar as their immunity from work, their diet, their location in the gaol and their general treatment is concerned, is thereafter upon the Chief Guard, subject, of course, to the directions of the gaol surgeon and the Warden or Deputy Warden. Failing any such directions the Chief Guard's orders are those that govern.

Under the Rules and Regulations prescribed by order in council for the government of the gaol the Warden is made responsible for the safe custody and general care of the prisoners and the Deputy is directed to exercise constant

supervision of the officers and prisoners. The duties of the Chief Guard are not defined by them. They ~~are~~ in fact do not provide for such an officer. The only reference that I can find to him in them is in Rule 17 which provides that in the visits of the gaol surgeon to the male ward he shall be accompanied by the Chief Guard. Rule 43 provides that the guards, (which doubtless include^s the Chief Guard), shall obey the directions of and perform such duties and work as may be directed by the Warden. It is, I take it, under this that the immediate responsibility for sick prisoners is put upon the Chief Guard.

The Chief Guard keeps no record whatever of the sick prisoners. He writes their names upon a slate which is displayed in the dining room each morning so that their meals may be taken to them in their cells and puts their names on cards in the clothes room and then destroys the slip from which the names are taken. He visits them in their cells and decides as best he can whether or not they are really sick and what is to be done with them but there is no record kept by him of their names, their complaints, their treatment or the disposition made of their cases. On the occasion of the gaol surgeons ^{Semi-}~~at~~-weekly visits he parades before him in the dispensary such of them as in his opinion need medical treatment who are able to go to the dispensary and he takes the gaol surgeon to the cells of those who are too ill to go to him. The gaol surgeon enters in his journal on the occasion of each visit, which he makes to the gaol, the name of

every prisoner whom he sees professionally and the treatment which he either gives to or prescribes for him. If he has any special recommendation to make with respect to any particular prisoner he notes it in this journal and as a rule relies upon that entry to bring his recommendation to the notice of the proper authority under the idea that the Chief Guard in the proper discharge of his duty will read the entry and if it is beyond his power to deal with it will pass it on to him who has the power. This, in strictness, discharges the only duty imposed upon him by Rule 18 which is the only Rule dealing with the matter.

This, as proved by the Moore case, is an exceedingly slipshod method for, as I have pointed out, the Doctor's recommendation of removal to the hospital made two days before Moore's death was not known by any one but himself until after Moore died. In this respect an improvement has since been made as the Warden now reads the gaol surgeon's entries and in proof of it initials the same. It is only fair to say, however, that in emergency cases and in many of those requiring immediate consideration action has been taken as the result of direct communication between the warden and the gaol surgeon.

Complaint was voiced by several prisoners as to the quantum and the quality of the sick diet. I think these objections unfounded. There is an undoubted and a quite natural tendency on the part of prisoners to malingering. When men who are simply feigning illness are given the slim diet of a sick man they quickly realize its inadequacy and complain

accordingly. Of this character is, I think, much of the evidence along this line. My conclusion from all that I heard upon the subject is that the sick diet is not open to objection having regard to the character of the institution and its facilities. Rule 77 leaves the sick diet to the discretion of the gaol surgeon and I cannot say that it has been improperly exercised. The requirements of this rule as to the entry of his instructions in this respect in his journal has, however, not been lived up to.

There was some criticism of an old rule which though not embodied in the Governmental regulations is still acted upon and which provides for a prisoner on the sick list being locked in his cell and being deprived of reading matter and not allowed to write letters. Upon its face this looks like cruel treatment of the sick but upon investigation a good deal of its apparent harshness disappears. The hospital is entirely lacking in hospital or infirmary accommodation. When a man is taken sick the only place in the gaol for him is his own cell. A patient who is violent or obstreperous can be removed to the dark cell which is the only place in the gaol for him but no orderly prisoner who is really sick should be put in that place of punishment unless he has some strongly infectious disease, which from his own cell may extend to the other prisoners. The average sick prisoner must, therefore, be in his own cell. The mere locking of his barred door means nothing to him. He gets the same light and air as if it was unlocked and his movements are no more restricted than they would be if it was not locked,

for he has no right and no need to leave his cell. The rule is designed, I think, as a protection against malingering. If a man who is simply shamming illness is confined to his cell and deprived of reading matter and of the privilege of writing letters and is put on sick diet his recovery is likely to be much more rapid than would otherwise be the case and he is not so apt to repeat his experience. The ban upon reading and writing in the case of a convict who is really ill is entirely unjustifiable and I trust that it is the case as the Warden says that when all doubt as to the genuineness of the illness is removed the rule is not enforced. The evidence of the Deputy Warden on this point is, however, quite to the contrary of this. The entire absence from the gaol of anything approaching a hospital or infirmary renders very much more difficult than it otherwise would be the giving of proper attention to the sick. // Under present conditions a sick man is kept locked in his cell until his removal to the hospital becomes imperative and he then has to be conveyed to a hospital in the City of Lethbridge, some four miles distant where he must be adequately guarded during the whole of the time that he is there. In strictness this cannot be done without the permission of the Department of Public Works. I do not propose to go in detail over the different cases spoken of in this connection but will content myself with a general reference to them. The Warden has, when the case would not permit of the delay, sent a prisoner to the hospital without the necessary leave and his action has always been ratified by

the Department. In other cases where permission sought and given by mail would take too long the leave has been asked for and given over the telephone, with no injurious delay. There was one case apparently not of great urgency in which between the time of the Doctor's recommendation and the procuring of leave from the Department the prisoner improved so much that it was found unnecessary to send him to the hospital at all and he made a complete recovery in the gaol. There is one case in which months intervened between the asking for and the granting of leave to send a sick man to the hospital, the delay being due to extended correspondence between the Provincial authorities and the Department of Justice. Even in cases which are not so acute as to require hospital treatment I think that something better than a cot in a small cell which is bounded by its three solid walls and its iron-barred door should be provided. No fault whatever is to be found with these cells as places of detention for healthy men but as sick rooms even for convicts they leave much to be desired.

The Gaol Surgeon does not live in the gaol but in the City. He makes two visits a week to the institution and there sees all of the inmates who are brought to his attention. He is, however, always on call by telephone and his services are, therefore, ~~as~~ practically as available as if he lived in the gaol. He makes periodical rounds of inspection of the cell-house and its inmates when those not on the sick list have a chance to talk to him. Of these rounds

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he now makes a record although he formerly did not. Apart from that, however, under the present system the Chief Guard practically decides who shall and who shall not see the Doctor which seems to me a large discretion to vest in a layman. Some complaints were made of sickness reported to the guard which got no further. Some method should be adopted under which a prisoner who complains of illness should be given access to the gaol surgeon so that he and not the Chief Guard may determine what must often be the difficult question of malingering.

On the other side of this same question is the complaint of those who being on the sick list, say that they are kept there too long. I suspect that this comes principally from those who having successfully feigned illness and finding it not so enjoyable as they had expected, become anxious to get back to the comparative liberty and the diet and the other privileges of the healthy. But a man who has been really ill should be taken off the sick list on the order of the Doctor and not that of the Chief Guard.

There is not the care that there should be in fumigating or otherwise disinfecting the bedding and bed clothing of a bed which has been occupied by a patient suffering from an infectious or contagious disease before it is supplied for the use of another prisoner. I think that there is a great deal of carelessness in this respect and as a consequence there is much more danger than there should be of disease spreading.

A good deal of evidence was given as to

the lack of care that is manifested in dealing with syphilitic prisoners of whom there are apparently always a number. They are not kept by themselves but mingle freely with the other prisoners and use in common with them such things as drinking cups, wash basins and soap while their bedding is treated just the same as is that of the non-syphilitics. At first, I was very much impressed with the danger of this method but in view of the evidence, not only of the gaol surgeon, Dr. Wray, but of such outstanding members of their profession as Dr. Campbell and Dr. Galbraith, who were called as quite disinterested professional men, I do not think that there is any cause for alarm over it. Each prisoner on his admission to the gaol is subjected to the blood test, which is the recognized method for determining the presence or absence of syphilis. If the test proves its presence a treatment is given which makes negligible the chances of other prisoners contracting the disease from contact with the sufferer or from the use by them in common of any articles which might otherwise be a medium for the transmission of disease.

Complaints were made of harsh treatment of prisoners requiring the doctor's attention, some of which were established and others of which were not.

One Sibben, a prisoner awaiting his trial, came to the gaol suffering from a fractured ankle, which necessitated the wearing of a plaster cast and the use of crutches whilst he was there. He was by the Warden's orders

confined in the dark cell for two days on a bread and water diet for having passed to another prisoner the bread which he did not desire for his own use. This fact is admitted and the Warden's simple explanation of it is that he broke a rule for which he like any other prisoner had to be punished.

A prisoner Bateman, who had been in the Doctor's hands for some minor trouble was on the 11th of February sentenced by the Warden to imprisonment in the dark cell for two days and he was placed in the cell which had four days earlier been vacated by Moore. No objection is taken to the imposition of this punishment but complaint is made that he was compelled to undergo it in this particular cell. Moore developed erysipelas the day after he was removed from it and without careful fumigation of it and disinfection of its bedding or the providing of fresh bedding there was danger of Bateman contracting the disease, which is of a contagious character. The evidence of the care that was taken in this respect is contradictory and far from satisfying. Erysipelas did in fact develop in Bateman a week after being placed in this cell, but it is, of course, purely a matter of conjecture whether or not he contracted it by being placed in it. Chief Guard Stewart was responsible for having him put in this particular cell.

A prisoner Hearne, a mental case, was placed in the outer of the three dark cells for a period of from 25 to 30 days, not as a punishment nor because he was refractory but simply because of his condition. He was not a hospital case but it was apparently thought that the isolation

of this cell would be better for him. Some natural light reaches it so that it is really not dark and none of the distressing conditions attending Moore's occupancy of the adjoining cell seem to have accompanied this case. Outside of the bare fact that he was kept for so long in this quasi dark cell I do not think this case open to much comment. I am inclined to the opinion that blame for this must be attributed to the absence of any better place in the gaol for his custody.

Charges of great cruelty in the treatment of a prisoner named West, a mental case, which was under the Doctor's care, were made against two guards Byrne and Kovach. These charges rest entirely upon the evidence of prisoners. I do not think that I should hold them proven. Byrne admits such treatment of West by him on one occasion as was not at all to his credit but in all other respects these guards offer a flat denial of the evidence of the prisoners. I think that the charges grew out of the incident which Byrne admits which though indiscreet and improper was not brutal ~~was~~ consisting in his striking West over the shoulders with the battered remains of a straw hat which he (West) had destroyed and that this incident has been exaggerated into the charges formulated by these prisoners.

These are the outstanding instances of charges of this character. Some more complaints of lack of consideration for the sick were made. There may have been ground for some of them but they were of a trivial character such as are bound to arise in such an institution as this.

Others were quite unfounded. I do not think it necessary to refer in detail or even by name to any but those with which I have dealt as above.

It is very plain that there has not been that co-ordinated effort on the part of the heads of this institution in caring for the sick that there should be. The almost entire absence from the governmental rules and regulations, which have been in force since last November, of any provision for the system to be observed in this respect is partly responsible for this condition. The Gaol Surgeon's duties are by them defined in part but the definition needs supplementing. For instance, under Rule 18 he is required only to record in his journal an account of the nature of the disease of every prisoner requiring treatment and his instructions respecting diet, medicine and exemption from labour. There, his duty so far as the regulations go, ends, and in the Moore case that duty was performed. He is not bound by any regulation to do more than this or to follow it up in any way. There is no specific regulation as to the duty of any of the other officials in this regard, although, of course, that may be covered by the broad language of the regulations imposing general responsibility upon them. The absence of a code of rules covering the subject and placing the responsibility exactly where it belongs makes co-ordinated effort more difficult.

Friction amongst the heads of the institution is partly responsible for this lack of team work.

This is evidenced by the impulsive remark of the Deputy Warden that there is no head to the gaol and by the disagreement between him and the Warden to which I have referred as to the arrangement for the division of their responsibility for the prisoners. There was for a time some feeling between the Warden and the gaol surgeon over an incident in connection with the latter's treatment of a prisoner but each of them pledged his oath before me that this has quite died out. I do not assume to say for I do not know where responsibility for this friction rests. I merely state my belief that it exists.

A laudable desire on the part of the Warden to keep down expense may perhaps on occasions have made him a little slow to take action looking to hospital treatment of a prisoner but I am satisfied that this was never allowed to influence him in any case requiring prompt action and that no harm ever happened as a result of it.

Complaint is made by Mr. Virtue of Rule 51(i) of the Government regulations, which provides that prisoners may report complaints to the Warden but if they are not substantiated they may be dealt with as insubordinate. The argument is that this deters prisoners from complaining if their plea of sickness made through the guard is not believed by the Warden through fear of being dealt with as insubordinate. No instance of this having happened was cited. I doubt very much if the prisoners know of this rule, for the opening provision of Rule 51 calling for the printing of it in legible characters and the fixing of it up in every cell has not been

complied with. Complaints of every kind are freely made to the Warden as he passes through the cell-house and on every Sunday morning he gives audience in his office to every prisoner who wants to complain about anything. Beyond the bare possibility suggested by Mr. Virtue's contention I see nothing objectionable in this rule and even that would completely pass if more direct connection between the doctor and a prisoner complaining of illness is established.

There is no inspection of the gaol by any one but its officers except such inspection as is made by the Minister and the Deputy Minister in the visits which they pay to it from time to time. I regret that I quite overlooked getting from the Warden information as to what was done by these gentlemen on their visits by way of examining into the matters to which this enquiry was directed and so I am unable to report more than the fact they have visited the gaol several times since the present Warden was placed in charge in 1923.

The prisoners who gave evidence spoke as a rule very favourably of their treatment at the hands of the Warden, Deputy Warden and gaol surgeon when they were or thought they were in need of medical attention once contact between them and any of these officials was established. There was but little, if any, complaint of inattention or bad treatment against any one of these officers once he took the matter in hand. The criticisms were mainly levelled against the subordinates and against the system or lack of system which prevailed in

the gaol with respect to the questions involved in this enquiry.

I received very great assistance from Counsel in ascertaining the facts which I had to learn. The questioning of the prisoners by Counsel for the commission before they came before me to give their evidence was facilitated in every way by the Warden and those under them. Mr. Hogg and I were given every opportunity to examine the gaol and any information within the knowledge or control of the gaol officials was promptly given to us on request.

I have endeavored to cover as fully as possible in this report the salient features disclosed by this enquiry. It is possible that I may have missed some detail to which I should have referred but I feel quite sure that broadly speaking all the conditions which should be disclosed have been set out in the foregoing pages ~~through~~ though some detail of some of those conditions may have been overlooked.

The duty imposed upon me by my commission is simply to enquire into and report upon the facts and this I have done in perhaps too great detail. I do not think that I have any right or any duty either to place the responsibility or suggest the remedy for any of the matters which I have commented upon unfavourably. Having laid bare the facts as they appear to me I think that I have fully discharged the duty committed to me and so the fixing of the blame and the making and applying of the remedy must be a matter for executive or departmental action.

The fact with respect to the position involved in this matter.

I received very great assistance from

General in maintaining the facts which I had to learn. The

questioning of the [redacted] the commission before

they were before me to give their [redacted] in

every way by the [redacted] and [redacted] Mr. Hogg and I

was given every opportunity to examine the [redacted] and my

information within the knowledge to [redacted] of the [redacted] and [redacted]

was promptly given to me as requested.

I have endeavored to cover as fully as

possible in this report the various features disclosed by this

enquiry. It is possible that I may have missed some detail

to which I should have referred but I feel quite sure that

readily accepting all the conditions which should be disclosed

have been set out in the foregoing pages. However, though some

details of some of these conditions may have been overlooked.

The duty imposed upon me by my commission

is simply to set out the facts and report upon the facts and this I

have done in [redacted] and [redacted]. I do not think that I

have any right or duty other than to place the responsibility

or suggest the remedy for any of the matters which I have

mentioned upon [redacted]. Having laid bare the facts as

they appear to me I think that I have fully discharged the duty

imposed to me and so the [redacted] and the [redacted]

and [redacted] of the remedy must be a matter for executive or

departmental action.

W. J. Hogg

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